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April 6, 2009

VIA OVERNIGHT MAIL

Honorable Ramon E. Reyes, Jr.
United States District Court
225 Cadman Plaza East, Room 263
Brooklyn, New York 11201

Re: Testa v. Hartford Life Ins. Co. and Marsh & McLennan Companies, Inc.
U.S. D. Ct., E.D.N.Y. 08 CV 816 (FB) (RER)

Dear Judge Reyes:

We represent Plaintiff in the above matter. This letter is respectfully submitted as a request for an extension of the discovery schedule, as we are not going to be able to complete discovery by April 29, 2009, the date previously extended by the Court.

At this point, we are in the process of working through discovery disputes with third parties, pursuant to subpoenas that were served on the individual doctors involved in reviewing Plaintiff's medical records, and two (2) third party vendors utilized by Defendant Hartford. We anticipate bringing disputes to Your Honor shortly, but have continued to have several meet and confer sessions with counsel for the third parties in an effort to narrow the issues. All third parties have consented to Your Honor's jurisdiction over the disputes.

We continue to await additional discovery from Defendant Hartford, and today received additional documentation from Defendant Hartford.


There are presently nine (9) depositions which are going to be conducted, following resolution of the remaining discovery disputes. Both Defendants have consented to our request to extend the discovery date.

Plaintiff thus requests that Your Honor provide an appropriate extension of discovery, to allow for the resolution of the expected disputes and for the depositions to occur.

Respectfully Submitted,

FRANKEL & NEWFIELD, P.C.

By:


Jason Newfield (JN5529)

JAN/bms

cc: Kevin G. Horbatiuk, Esq. & Natan Hamerman, Esq. (via fax)